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TECK COMINCO AMERICAN INCORPORATED, TECK

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and TECK COMINCO LIMITED

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Attorneys for Plaintiffs

CARLETTA JUSTICE and YOLANDA JUSTICE

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

CARLETTA JUSTICE, a minor, and YOLANDA JUSTICE, a minor, by and through their guardian ad litem, BOBBY BROWN,

Plaintiffs,

v.

DOES 1 TO 500, inclusive

Defendants.

CASE NO. 06-CV-3328-MHP

**STIPULATION AND PROPOSED  
ORDER FOR DISMISSAL WITH  
PREJUDICE PURSUANT TO FED. R.  
CIV. P. 41(a)(1).**

**STIPULATION AND PROPOSED ORDER FOR DISMISSAL WITH PREJUDICE  
PURSUANT TO FED. R. CIV. P. 41(a)(1).**

Plaintiffs CARLETTA JUSTICE, a minor, and YOLANDA JUSTICE, a minor, by and through their guardian ad litem, BOBBY BROWN (hereinafter referred to jointly as PLAINTIFFS) and defendants TECK COMINCO AMERICAN INCORPORATED, TECK COMINCO ADVANCED

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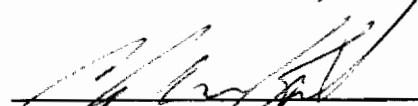
MATERIALS INCORPORATED and TECK COMINCO LIMITED (hereinafter collectively referred to as DEFENDANTS TECK COMINCO), through undersigned counsel of record, stipulate pursuant to Fed. R. Civ. P. 41(a)(1), that:

- 1) the parties to the stipulation represent all parties appearing to date in this litigation;
- 2) the undersigned counsel of record are authorized by the named parties to enter into this stipulation and fully bind their respective clients fully to its terms;
- 3) every claim by each party to this stipulation, whether for monetary damages, declaratory relief or any other kind or nature of relief sought, be dismissed with prejudice, such claims comprising the PLAINTIFFS' Complaint For Damages and First Amended Complaint; and
- 4) each party to bear it's own costs, fees and expenses incurred as a result of this litigation, or any claims asserted therein, or as a result of, or related to, any claims asserted between the parties which precede and relate in any way to the claims asserted in the litigation.

IT IS SO STIPULATED:

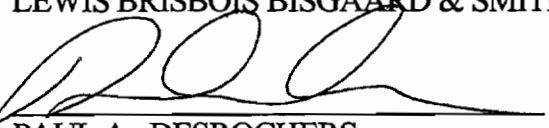
Dated: September 20, 2006

BRAYTON PURCELL, LLP

  
CLAYTON W. KENT  
Attorneys for Plaintiffs  
CARLETTA JUSTICE and YOLANDA JUSTICE

Dated: September 21, 2006

LEWIS BRISBOIS BISGAARD & SMITH, LLP

  
PAUL A. DESROCHERS  
Attorneys for Defendants  
TECK COMINCO AMERICAN INCORPORATED,  
TECK COMINCO ADVANCED MATERIALS  
INCORPORATED and TECK COMINCO LIMITED

IT IS SO ORDERED:

This 22nd day of September, 2006.



CLAYTON W. KENT, ESQ., S.B. #123164  
A. RUSSELL MARTIN, S.B. # 226244  
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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

CARLETTA JUSTICE, a minor, and  
YOLANDA JUSTICE, a minor, by and  
through their guardian ad litem, BOBBY  
BROWN,

Plaintiffs,

vs.

DOES 1-500, inclusive,

Defendants.

Case No. 06-CV-3328-MHP

**CERTIFICATE OF SERVICE OF  
SERVICE**

I, SHAWNA MAHONEY, declare:

I am employed in the County of Marin, State of California. I am over the age of 18 years and not a party to the within cause. My business address is 222 Rush Landing Road, Novato, CA. 94948. On September 21, 2006, I served the following document(s) by the method indicated below:

**STIPULATION AND PROPOSED ORDER FOR DISMISSAL WITH  
PREJUDICE PURSUANT TO FED. R. CIV. P. 41(a)(1).**

[XX ] (By Mail) By causing each such envelope to be served by depositing same, with postage thereon fully prepaid, with the United States Postal Service in the ordinary course of business at Novato, California. I am readily familiar with the business' practice for collection and

1 processing of correspondence for mailing with the United States Postal Service.

2 [ ] (By Facsimile Transmission) By causing each such document to be served by facsimile  
3 transmission to the fax number(s) set forth below.

4 [ ] (By Personal Service) By causing each such envelope to be delivered by personal service to  
5 the offices of each addressee below.

6 Paul A. Desrochers, Esq.  
7 Lewis Brisbois Bisgaard & Smith, LLP  
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9 San Francisco, CA 94104  
Ph: (415) 362-2580  
Fax: (415) 434-0882

Attorney for Defendants Tech Cominco  
American Incorporated, Tech Cominco  
Limited and Tech Cominco Advance  
Materials Incorporated

10 I declare under penalty of perjury that the foregoing is true and correct and that this  
11 declaration was executed on September 21, 2006, California.

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15 SHAWNA MAHONEY  
16 BRAYTON ♦ PURCELL LLP  
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